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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 DENNIS R. HOPKINS,

10 Plaintiff,

11 v.

12 STATE OF WASHINGTON, *et al.*,

13 Defendants.

No. C09-5105 RJB/KLS

**ORDER ON REPORT AND
RECOMMENDATION**

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15 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
16 L. Strombom, "Plaintiff Addendum to Plaintiff Memorandum Response to Show Cause" (Dkt.
17 9), and the remaining record, does hereby find and ORDER:

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19 (1) The Court adopts the Report and Recommendation (Dkt. 8), with the exception
20 that this dismissal should not count as a strike under 28 U.S.C. S 1915(g) because
21 plaintiff is not a prisoner;
- 22 (2) Plaintiff's request in Dkt. 9 (1) that the court order mental health records and
23 certain court records to be expunged; and (2) that the court order that plaintiff be
24 immediately released from Western State Hospital, do not cure the deficiencies in
25 the complaint and are not properly before the court;
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1 (3) This action is **DISMISSED without prejudice** prior to service for failure to state
2 a claim; and

3 (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any
4 Defendants who have appeared, and to the Hon. Karen L. Strombom.

5 DATED this 9th day of June, 2009.

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8 ROBERT J. BRYAN
9 United States District Judge
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